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RL:0331A

SB 1591
RELATING TO ENVIRONMENTAL QUALITY

Statement for
Senate Committee on
Ecology, Environment and Recreation
Public Hearing, 28 February 1979

SB 1591 appears to be identical to a companion bill in the House, HB 798. The attached Center statement on HB 798 (RL:0331) relates to SB 1591 as well.



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RL:0331

HB 798 RELATING TO ENVIRONMENTAL QUALITY

Statement for
House Committee on
Ecology and Environmental Protection
Public Hearing, 23 February 1979

By
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Jacquelin Miller, Environmental Center
Peter J. Rappa, Environmental Center
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HB 798 proposes certain amendments to the State's Environmental Impact Statement (EIS) law, HRS Chapter 343. The authors of this statement on the bill are the authors of a January 1978 Environmental Center report on the Hawaii Environmental Impact Statement System (SR:0019, 186 pp.) or other University reports on the EIS system. The statement does not reflect, however, an institutional position of the University.

Most of the amendments of HRS 343 that are proposed in HB 798 were either recommended in the Center's 1978 report or would meet the intent of recommendations in the report. Many of the proposed amendments represent editorial or simple housekeeping changes. None of them conflict with recommendations in the report.

The amendments proposed in HB 798 are distinctive for two reasons. First, most are primarily housekeeping changes, that is changes introduced either for clarification or in order to bring the statutory authority in accord with desirable regulations of the Environmental Quality Commission and with practices that have by experience been found useful in the EIS system. Second they are mostly non-controversial--at least to an extent indicated by informal discussions among persons connected with land use and environmental agencies, the construction industry, and our Center.

The one substantive change which has been suggested to us relates to the revised time limits set to bringing suit in the courts for agency failures to determine whether or not an EIS is required for an applicants project (page 15, lines 8-11). In this case, (p. 16 lines 14-17 in S.B. 1591) it is proposed that the suit must be brought in the period beginning 30 days after the date of application and ending 90 days after agency approval.

If there has been no agency determination, possible environmental issues associated with the project will not be brought to public attention by the EQC Bulletin. Applications and agency decisions on them may not be brought to public attention by any other means.

Hence affected persons may have no knowledge of the projects approved until they are actually initiated, and the initiation may be much more than 90 days after approval.

The problem might be remedied by adding to the end of page ^(16 line 17 in SB15A1) 15 line 11, "or 30 days of the start of the action, whichever is later."

It seems important that the passage of such amendments to the State EIS law as those in HB 798 (that is amendments that would improve, clarify, and make consistent the Act and its implementation) and that are non-controversial (or reasonably so) should not be held up by arguments about more controversial amendments, no matter how much we or others might think the latter desirable.

Rather than detail the rationale for several amendments proposed in HB 798 in this statement, we present below, for each, an alpha-numeric citation to the recommendations as summarized in the Center's 1978 report (pp. 144-148) and, in parentheses, page citations to discussion of the rationale for the recommendation. Several of the members of this Committee already have copies of that report, and we would be pleased to supply the Committee with such additional copies as may be useful to the extent our stock of the report will permit.

Subsection of HB 798 Sec. 1	Section or subsection of HRS 343	Recommendation number (and page citations to discussion) in Env. Ctr. SR:0019
1	343-1	A-1, A-2 (28)
2	343-[1] <u>2</u> (1) (3) (5) (7) (8) [(6)] (9) [(7)] (10) [(8)] (11)	* * B-2 (34) B-2 (34) G-1 (60) * * E-1 (43)
3	343-[2] <u>3</u>	*
4	343-[3] <u>4</u>	*
5	343-[4] <u>5</u> (a), (b), (c)	B-1 (34), G-2 (60), *
6	343-[4] <u>5</u> (f) (g)	P-1, P-2 (112) L-2 (90)
7	343-[5] <u>6</u> (3) (4) [6], [7] <u>6</u> [8] <u>7</u>	L-2 (90) * F-1 (50) *
8	343-[6] <u>7</u> (a) (b) (c)	O-1, O-3 (96), * O-3 (96), * O-6, O-7, O-8
9	343-[7] <u>8</u>	*

*Editorial or simple housekeeping change